IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Bail Appl..No. 4637 of 2007()

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PETITIONER:

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P.A. MOHAMMED ALI,
MANAGING PARTNER, RAY'S TRAVEL BUREAU, 28/22,
CHUNNAVALA BUILDING, 2ND FLOOR,MOHAMMED ALI ROAD,
MUMBAI-400 003, HAVING BRANCH OFFICE AT 39/6830,
ROHINI BUILDING, OPP: HDFC BANK BUILDING,RAVIPURAM
JUNCTION, M.G. ROAD, KOCHI-682 016.

BY ADV. SRI.T.RAVIKUMAR
SMT.G.AMBILI

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM.

2. THE C.I. OF POLICE, ALUVA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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B.A.No. 4637 of 2007

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Dated this the 6th day of August, 2007

**O R D E R**

Application for anticipatory bail. The petitioner faces allegations in a crime registered under Section 420 I.P.C. The crux of the allegations is that the defacto complainant was promised a VISA and fraudulently induced to part with money. A complaint was filed before the police. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that this not at all a case of any fraud or deception practised on the complainant. The boot is actually on the other leg. The defacto complainant had availed the services of the petitioner's establishment undertaking that he shall pay the requisite amount/charges. He handed over the passport voluntarily. The requisite services were rendered, but the defacto complainant did not avail the services. Instead, he made a false allegation that the petitioner has committed indiscretion. The defacto complainant can always take back the passport on payment of the amount legally due to the petitioner. Vexatious allegations are

now being raised to avoid the liability to pay service charges of the petitioner. In these circumstances the petitioner may be saved of the undeserved trauma of aw arrest and incarceration, submits the learned counsel.

3. The learned Prosecutor does not seriously oppose the application. Investigation so far does perhaps indicate the probability of the version of the petitioner, submits the learned Prosecutor. Investigation is not complete, submits the learned Prosecutor. I am satisfied, in these circumstances, that anticipatory bail can be granted to the petitioner.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 13.8.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 14.8.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 13.8.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 13.8.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 13.8.2007.

**(R. BASANT)**
Judge

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